

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-CR-248

-vs-

CALIMLIM, et al.,

Defendants.

ORDER

The above-captioned case is scheduled for trial on May 15, 2006. One of the witnesses subpoenaed to testify is Sherry L. Bantug ("Bantug"). Before the Court is Bantug's motion, pursuant to Fed. R. Crim. P. 15(a)(1) and 17(c)(2), to appear at trial by way of deposition and not in person. Bantug cites the "exceptional circumstances" standard in Rule 15(a)(1) and the "unreasonable or oppressive" standard in Rule 17(c)(2). Bantug argues she meets the standards because of significant health problems (both physical and psychological) that would be exacerbated by a personal appearance. Bantug's motion is opposed by both the government and the defendants.

Because Rule 15 is limited to a "party's" request and because said depositions are limited to cases where said depositions are necessary "in order to prevent a failure of justice," Bantug possesses no standing to make the request, and if she did, the reasons for the relief sought are inadequate to trigger the order.

Bantug's motion is **denied**.

Dated at Milwaukee, Wisconsin, this 6th day of April, 2006.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge